

**RECEIVED**  
GENERAL COUNSEL

**Before the State of South Carolina  
Department of Insurance**

JUN 5 2001

STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE

In the matter of:

SCDI File Number 2001-108241

Catherine S. McKellar,  
  
705 New Market Drive  
Mount Pleasant, South Carolina 29464.

**Consent Order  
Imposing Administrative Penalty  
And Reinstating License**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Catherine S. McKellar, a former South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact, that McKellar failed to timely pay the year 1999-2000 continuing education fee (the CE fee) required by S.C. Code Ann. § 38-43-106(D) (Supp.2000) and Reg. 69-50 § VIII. McKellar acknowledges that she did not pay the required fee on or before the May 1, 2000 deadline and that this ultimately led to the cancellation of her license to transact the business of insurance as a resident agent in South Carolina.

Since then, McKellar has expressed a desire to reinstate her license. She and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that the Department would reinstate McKellar's resident insurance agent license upon her payment of the CE fee to South Carolina's CE Administrator and an administrative fine in the total amount of \$250 to the Department.

Section 38-43-106(D) of the South Carolina Code makes insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program." Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that McKellar has not complied with S.C. Code Ann. § 38-43-106(D) and 25A S.C. Code Ann. Reg. 69-50 §VIII (Supp. 2000). As a result, the administrative action previously taken against her resident insurance agent license was proper. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against McKellar an administrative penalty in the total amount of \$250. If McKellar pays that penalty within ten days of the date of my signature upon this consent order, and if she also provides the Department proof of her having paid the statutory CE fee, the Department will reinstate her resident insurance agent license.

 Catherine S. McKellar

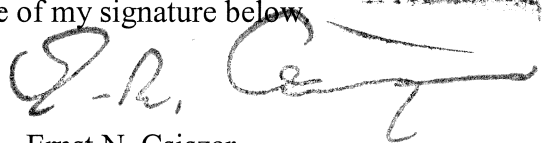
The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against McKellar on this issue before, and of her assurance that in the future she will comply with the state's insurance laws, particularly that of timely paying the CE fee. The parties expressly agree and understand McKellar's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, McKellar acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Catherine S. McKellar shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$250.

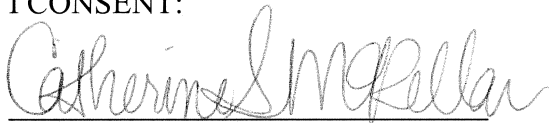
It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in McKellar's licensing file.

This consent order becomes effective as of the date of my signature below

  
Ernst N. Csiszar  
Director

June 5, 2001, at  
Columbia, South Carolina

I CONSENT:



Catherine S. McKellar  
705 New Market Drive  
Mount Pleasant, South Carolina 29464

Dated this 31<sup>st</sup> day of May, 2001